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NOV 19 2019

November 15, 2019

VIA CERTIFIED MAIL

Dennis Schmidt, Director of Public Works
Butte County Public Works
7 County Center Drive
Oroville, CA 95965

Todd Storti, Deputy Director Waste Management
Butte County Public Works
7 County Center Drive
Oroville, CA 95965

Eric Miller, Manager
Waste Management Division
Neal Road Recycling and Waste Facility
7 County Center Drive
Oroville, CA 95965

**Re: NOTICE OF VIOLATIONS AND INTENT TO FILE SUIT UNDER THE
FEDERAL WATER POLLUTION CONTROL ACT ("CLEAN WATER ACT")
(33 U.S.C. §§ 1251 *et seq.*)**

Dear Dennis Schmidt, Todd Storti and Eric Miller:

This firm represents California Open Lands ("COL, pursuant to the conservation easement, has an obligation to protect and conserve") in regard to violations of the Clean Water Act ("the Act") occurring at Neal Road Recycling and Waste Facility located at 1023 Neal Road, in Paradise, California (the "Facility"). This letter is being sent to you as the responsible officers, and/or operators of the Facility. Unless otherwise noted, Dennis Schmidt, Todd Storti, Eric Miller, Butte County Department of Public Works, and Neal Road Recycling and Waste Facility shall hereinafter be collectively referred to as "Butte County." The purpose of this letter is to provide Butte County with notice of the violations of the Industrial General Permit occurring at the Facility, including, but not limited to, discharges of polluted storm water associated with industrial activities from the Facility into local surface waters.

Butte County is in ongoing violation of the substantive and procedural requirements of the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, and National Pollutant Discharge Elimination System ("NPDES") General Permit No. CAS000001 State Water Resources Control Board Water Quality Order No. 14-57-DWQ ("General Permit" or "Permit").¹ Prior to July 1, 2015,

¹ The Facility's Waste Discharge Identification ("WDID") number is 5R04I000249.

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Butte County's storm water discharges from the Facility were regulated under Water Quality Order No. 91-13-DWQ, as amended by Water Quality Orders 92-12-DWQ and 97-03-DWQ.

On July 1, 2015, the 2015 General Permit went into effect, superseding the 1997 General Permit that was operative between 1997 and June 30, 2015. The 2015 General Permit includes many of the same fundamental requirements and implements many of the same statutory objectives and requirements as the 1997 General Permit. Violations of either of the 1997 and 2015 General Permits are enforceable under the law. 2015 General Permit, Finding A.6. All references to the "General Permit" herein refer to both the 1997 and 2015 General Permits.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Act subjects Butte County to a penalty for all violations occurring during the period commencing five years prior to the date of this Notice Letter. These provisions of law authorize civil penalties of up to \$37,500 per day per violation for all Clean Water Act violations occurring after January 12, 2009, and \$54,833 per day per violation for all violations that occurred after November 2, 2015. In addition to civil penalties, COL, pursuant to the conservation easement, has an obligation to protect and conserve will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. § 1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)) permits prevailing parties to recover costs and fees, including attorneys' fees.

The Clean Water Act requires that sixty (60) days prior to the initiation of a citizen-enforcement action under Section 505(a) of the Act (33 U.S.C. § 1365(a)), a citizen enforcer must give notice of its intent to file suit. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency, and the Chief Administrative Officer of the water pollution control agency for the State in which the violations occur. *See* 40 C.F.R. § 135.2. As required by the Act, this letter provides statutory notice of the violations that have occurred, and continue to occur, at the Facility. 40 C.F.R. § 135.3(a). At the expiration of sixty (60) days from the date of this letter, COL, pursuant to the conservation easement, has an obligation to protect and conserve intends to file suit under Section 505(a) of the Act in federal court against Butte County for violations of the Clean Water Act and the Permit, described further below.

I. Background

A. California Open Lands

COL, pursuant to the conservation easement, has an obligation to protect and conserve is a non-profit land trust organization based in Chico, California. COL is dedicated to the preservation and management of open space, the exchange of scientific information, public education, and responsible conservation of the natural resources of the Sacramento River Watershed, including the waters into which Butte County discharges polluted storm water. COL owns a conservation easement on a wetland into which Butte County discharges polluted storm water from the Neal Road Facility. COL, pursuant to the conservation easement, has an obligation to protect and conserve holds a conservation easement over the wetlands into which the Facility discharges (the "Preserve"). The Preserve is an important source of groundwater

recharge for the Tuscan Aquifer, and a tributary to Hamlin Slough, Butte Creek and the Sacramento River. COL, pursuant to the conservation easement, has an obligation to protect and conserve these waters for their estuarine habitat and the rare, threatened and endangered species it supports, the wildlife habitat, fresh water and marine habitat, and other designated beneficial uses. The discharge of pollutants from the Facility impairs each of these uses. Discharges of polluted storm water from the Facility are ongoing and continuous. Thus, the interests of COL, pursuant to the conservation easement, has an obligation to protect and conserve has been, is being, and will continue to be adversely affected by Butte County's failure to comply with the Clean Water Act and the General Permit.

B. The Clean Water Act

Congress enacted the CWA in 1972 in order to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251. The Act prohibits the discharge of pollutants into United States waters except as authorized by the statute. 33 U.S.C. § 1311; *San Francisco Baykeeper, Inc. v. Tosco Corp.*, 309 F.3d 1153, 1156 (9th Cir. 2002). The Act is administered largely through the NPDES permit program. 33 U.S.C. § 1342. In 1987, the Act was amended to establish a framework for regulating storm water discharges through the NPDES system. Water Quality Act of 1987, Pub. L. 100-4, § 405, 101 Stat. 7, 69 (1987) (codified at 33 U.S.C. § 1342(p)); *see also Env'tl. Def. Ctr., Inc. v. EPA*, 344 F.3d 832, 840-41 (9th Cir. 2003) (describing the problem of storm water runoff and summarizing the Clean Water Act's permitting scheme). The discharge of pollutants without an NPDES permit, or in violation of a permit, is illegal. *Ecological Rights Found. v. Pacific Lumber Co.*, 230 F.3d 1141, 1145 (9th Cir. 2000).

Much of the responsibility for administering the NPDES permitting system has been delegated to the states. *See* 33 U.S.C. § 1342(b); *see also* Cal. Water Code § 13370 (expressing California's intent to implement its own NPDES permit program). The CWA authorizes states with approved NPDES permit programs to regulate industrial storm water discharges through individual permits issued to dischargers and/or through the issuance of a single, statewide general permit applicable to all industrial storm water dischargers. 33 U.S.C. § 1342(b). Pursuant to Section 402 of the Act, the Administrator of the USEPA has authorized California's State Board to issue individual and general NPDES permits in California. 33 U.S.C. § 1342.

C. California's General Permit for Storm Water Discharges Associated with Industrial Activities

Between 1997 and June 30, 2015, the General Permit in effect was Order No. 97-03-DWQ, which COL, pursuant to the conservation easement, has an obligation to protect and conserve refers to herein as the "1997 General Permit." On April 1, 2014, pursuant to Order No. 2014-0057-DWQ the General Permit was reissued and became effective on July 1, 2015. For purposes of this notice letter, COL, pursuant to the conservation easement, has an obligation to protect and conserve refers to the reissued permit as the "2015 General Permit." Accordingly, Butte County is liable for violations of the 1997 General Permit and ongoing violations of the 2015 General Permit, and civil penalties and injunctive relief are available remedies. *See Illinois*

v. Outboard Marine, Inc., 680 F.2d 473, 480-81 (7th Cir. 1982) (relief granted for violations of an expired permit); *Sierra Club v. Aluminum Co. of Am.*, 585 F. Supp. 842, 853-54 (N.D.N.Y. 1984) (holding that the Clean Water Act's legislative intent and public policy favor allowing penalties for violations of an expired permit); *Pub. Interest Research Group of N.J. v. Carter-Wallace, Inc.*, 684 F. Supp. 115, 121-22 (D.N.J. 1988) ("Limitations of an expired permit, when those limitations have been transferred unchanged to the newly issued permit, may be viewed as currently in effect").

Facilities discharging, or having the potential to discharge, storm water associated with industrial activities that have not obtained an individual NPDES permit must apply for coverage under the General Permit by filing a Notice of Intent to Comply ("NOI"). 1997 General Permit, Provision E.1; 2015 General Permit, Standard Condition XXI.A. Facilities must file their NOIs before the initiation of industrial operations. *Id.* Facilities must strictly comply with all of the terms and conditions of the General Permit; a violation of the General Permit is a violation of the CWA.

The General Permit contains three primary and interrelated categories of requirements: (1) discharge prohibitions, effluent limitations, and receiving water limitations; (2) Storm Water Pollution Prevention Plan ("SWPPP") requirements; and (3) self-monitoring and reporting requirements.

D. Butte County's Facility

Information available to COL, pursuant to the conservation easement, has an obligation to protect and conserve indicates that Butte County's industrial activities at the approximately 229-acre Facility include, but are not limited to: active landfill activities, equipment maintenance and fueling, stockpiling and storage of various industrial materials such as green wastes, soil, waste tires, white goods, and other recyclables, and the impoundment and storage of leachate. The industrial activities at the Facility fall under Standard Industrial Classification ("SIC") Codes 5093 and 4953 ("Scrap and Waste Materials" and "Landfills and Land Application Facilities," respectively).

Butte County collects and discharges storm water associated with industrial activities at the Facility through at least one discharge point into the California Open Land's Conservation Easement Preserve (the "Preserve"), from which the water flows into an unnamed tributary to Hamlin Slough, then into Hamlin Slough, which is a tributary to Butte Creek, which in turn is a tributary to the Sacramento River and the Sacramento-San Joaquin River Delta ("the Delta"). The Preserve, Hamlin Slough, Butte Creek, the Sacramento River, the Delta, and all of their tributaries are all waters of the United States within the meaning of the Clean Water Act.

The areas of industrial activity at the Facility are sources of pollutants. The General Permit requires Butte County to analyze storm water samples for TSS, pH, and Oil and Grease. 1997 General Permit, Section B.5.c.i; 2015 General Permit, Section XI.B.6. Facilities under SIC Code 5093 and 4953 must also analyze storm water samples for iron ("Fe"), lead ("Pb"), aluminum ("Al"), zinc ("Zn") and chemical oxygen demand ("COD"). 1997 General Permit, Tables 1-2; 2015 General Permit, Tables 1-2. In addition to these parameters, the General Permit

requires facilities to analyze storm water samples for all parameters likely to be present. 2015 General Permit, Section XI.B.6.c.

II. Butte County's Violations of the Act and Permit

Based on its review of available public documents, COL, pursuant to the conservation easement, has an obligation to protect and conserve is informed and believes that Butte County is discharging in violation of both the substantive and procedural requirements of the CWA and the General Permit. These violations are ongoing and continuous. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Butte County is subject to penalties for all violations of the Act since November 15, 2014.

A. Butte County Discharges Storm Water Containing Pollutants in Violation of the General Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations

Butte County's storm water sampling results provide conclusive evidence of Butte County's failure to comply with the General Permit's discharge prohibitions, effluent limitations, and receiving water limitations. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

1. Discharge Prohibitions

The General Permit prohibits all discharges of storm water associated with industrial activities to waters of the United States except as specifically authorized by the General Permit or another NPDES permit. 2015 General Permit, Section III.A. The General Permit further prohibits the discharge of liquids or materials other than storm water to waters of the United States unless authorized by another NPDES permit. 2015 General Permit, Section III.B.

The General Permit requires that storm water discharges and authorized non-storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance. 1997 General Permit, Discharge Prohibition A.2; 2015 General Permit, Discharge Prohibition III.C. The General Permit also prohibits discharges that violate any discharge prohibition contained in the applicable Regional Water Board's Basin Plan or statewide water quality control plans and policies. 1997 General Permit, Receiving Water Limitation C.2; 2015 General Permit, Discharge Prohibition III.D. To the extent that Butte County's discharges include landfill leachate, such discharges constitute unauthorized non-storm water discharges, and violate the General Permit.

2. Technology Based Effluent Limitations

Dischargers are required to reduce or prevent pollutants in their storm water discharges through the implementation of Best Available Technology Economically Achievable ("BAT")

for toxic and nonconventional pollutants and Best Conventional Pollutant Control Technology (“BCT”) for conventional pollutants. 1997 General Permit, Effluent Limitation B.3; 2015 General Permit, Effluent Limitation V.A. Conventional pollutants include Total Suspended Solids, Oil & Grease, pH, Biochemical Oxygen Demand and Fecal Coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. 40 C.F.R. §§ 401.15-16.

Under the General Permit, benchmark levels established by the EPA (“EPA benchmarks”) serve as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite BAT and BCT. *Santa Monica Baykeeper v. Kramer Metals*, 619 F. Supp. 2d 914, 920, 923 (C.D. Cal 2009); 1997 General Permit, Effluent Limitations B.5-6; 2015 General Permit, Exceedance Response Action XII.A.

The following EPA benchmarks have been established for pollutants discharged by Butte County: total suspended solids – 100 mg/L; oil & grease – 15.0 mg/L; iron – 1.0 mg/L; aluminum – 0.75 mg/L; zinc – 0.26 mg/L; lead – 0.262 mg/L; chemical oxygen demand – 120 mg/L; and, pH – 6.0-9.0 s.u.

3. Receiving Water Limitations

Storm water discharges and authorized non-storm water discharges shall not adversely impact human health or the environment, and shall not cause or contribute to a violation of any water quality standards in any affected receiving water. 1997 General Permit, Receiving Water Limitations C.1, C.2; 2015 General Permit, Receiving Water Limitations VI.A, VI.B.

Dischargers are required to prepare and submit documentation to the Regional Board upon determination that storm water discharges are in violation of the General Permit’s Receiving Water Limitations. 1997 General Permit, p. VII; 2015 General Permit, Special Condition XX.B. The documentation must describe changes the discharger will make to its current storm water Best Management Practices (“BMPs”) in order to prevent or reduce any pollutant in its storm water discharges that is causing or contributing to an exceedance of water quality standards. *Id.*

The *Water Quality Control Plan for the Central Valley Region* (Revised April 2016) (“Basin Plan”) also sets forth water quality standards and prohibitions applicable to Butte County’s storm water discharges. The Basin Plan identifies present and potential beneficial uses for the Sacramento River, which include municipal and domestic water supply, hydropower generation, agricultural supply, industrial service supply, navigation, wildlife habitat, warm freshwater habitat, cold freshwater habitat, warm and cold spawning, and contact and non-contact water recreation. Basin Plan, II-5.00.

4. Butte County’s Discharges of Leachate-Contaminated Storm Water

On a number of occasions, Butte County has allowed storm water contaminated with landfill leachate to discharge in the Preserve, a water of the United States. COL believes that these discharges are likely to recur given Butte County’s management of the Neal Road Facility.

On February 14, 2019, Butte County staff became aware that landfill leachate was seeping out of the face of Module 4 and into Sediment Basin 4. Landfill staff documented a diesel pump with a six-inch diameter pipe operating at Sediment Basin 4. The pump was moving the leachate-contaminated storm water into a drainage ditch which transported the water to the Primary Sediment Basin and ultimately the Preserve.

On February 27, 2019, landfill staff became aware of landfill leachate seeping out of the Module 4 face and into Sediment Basin 4. This leachate-contaminated water was again being pumped out of Sediment Basin 4, into a drainage ditch, and ultimately flowed into the Preserve.

On March 6, 2019, landfill staff documented additional landfill leachate seeps entering the storm water conveyance system.

On October 23, 2019, staff for COL observed landfill leachate seeping, and subsequent excavation of the seep, in the southeast corner of the settlement basin portion of the Preserve.

a. Butte County's Non-Storm Water Discharges are Violations of the General Permit

Butte County's non-storm water discharges are violations of the General Permit's discharge prohibitions. COL, pursuant to the conservation easement, has an obligation to protect and conserve is informed and believes that Butte County has known that its discharges of storm water include prohibited non-storm water since at least November 15, 2014.

COL, pursuant to the conservation easement, has an obligation to protect and conserve alleges that such violations occur each time storm water discharges from the Facility. Attachment A hereto, sets forth the specific rain dates on which COL, pursuant to the conservation easement, has an obligation to protect and conserve alleges that Butte County has discharged storm water containing impermissible levels of TSS, Fe, Al, COD, Zn, Cu, and O&G, as well as non-storm water discharges, in violation of the General Permit. 1997 General Permit, Discharge Prohibition A.2, Receiving Water Limitations C.1 and C.2; 2015 General Permit, Discharge Prohibitions III.C and III.D, Receiving Water Limitations VI.A, VI.B. Butte Creek may have had other violations that can only be fully identified and documented once discovery and investigation have been completed. Hence, to the extent possible, COL includes such violations in this Notice and reserves the right to amend this Notice, if necessary, to include such further violations in future legal proceedings.

5. Butte County Has Failed to Implement BAT and BCT

Dischargers must implement BMPs that fulfill the BAT/BCT requirements of the CWA and the General Permit to reduce or prevent discharges of pollutants in their storm water discharges. 1997 General Permit, Effluent Limitation B.3; 2015 General Permit, Effluent Limitation V.A. To meet the BAT/BCT standards, dischargers must implement minimum BMPs and any advanced BMPs set forth in the General Permit's SWPPP Requirements provisions

where necessary to reduce or prevent pollutants in discharges. *See* 1997 General Permit, Sections A.8.a-b; 2015 General Permit, Sections X.H.1-2.

Butte County has failed to implement the minimum BMPs required by the General Permit, including: good housekeeping requirements; preventive maintenance requirements; spill and leak prevention and response requirements; material handling and waste management requirements; erosion and sediment controls; employee training and quality assurance; and record keeping. Permit, Section X.H.1(a-g). These failures include, but are not limited to, failing to adequately screen incoming waste streams thus allowing contaminated soil to be accepted into the Facility, using contaminated soil from the Camp Fire cleanup efforts as daily cover at the Landfill, and failing to prevent storm water run-on from concrete stockpiles offsite. Butte County has further failed to implement advanced BMPs necessary to reduce or prevent discharges of pollutants in its storm water sufficient to meet the BAT/BCT standards, including: exposure minimization BMPs; containment and discharge reduction BMPs; treatment control BMPs; or other advanced BMPs necessary to comply with the General Permit's effluent limitations. 1997 General Permit, Section A.8.b; 2015 General Permit, Sections X.H.2. Butte County has reassigned a key member of the Storm Water Pollution Prevention Team without adequate replacement, which indicates to COL that the violations described herein are likely to continue.

Each day that Butte County has failed to develop and implement BAT and BCT at the Facility in violation of the General Permit is a separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a). Butte County has been in violation of the BAT and BCT requirements at the Facility every day since at least November 15, 2014.

6. Butte County Has Failed to Implement an Adequate Monitoring Implementation Plan

The General Permit requires dischargers to implement a Monitoring Implementation Plan. 2015 General Permit, Section X.I. As part of their monitoring plan, dischargers must identify all storm water discharge locations. 2015 General Permit, Section X.I.2.a. Dischargers must then conduct monthly visual observations of each drainage area, as well as visual observations during discharge sampling events. 2015 General Permit, Section XI.A.1 and 2.

Dischargers must collect and analyze storm water samples from two (2) storm events within the first half of each reporting year (July 1 to December 31) and two (2) storm events during the second half of each reporting year (January 1 to June 3). 2015 General Permit, Section XI.B. Section XI.B requires dischargers to sample and analyze during the wet season for basic parameters such as pH, total suspended solids ("TSS") and oil and grease ("O&G"), certain industry-specific parameters set forth in Table 2 of the General Permit, and other pollutants likely to be in the storm water discharged from the facility based on the pollutant source assessment. 2015 General Permit, Section XI.B.6. Dischargers must submit all sampling and analytical results via SMARTS within thirty (30) days of obtaining all results for each sampling event. 2015 General Permit Section XI.B.11.

Butte County has failed to develop and implement an adequate Monitoring Implementation Plan. These failures include: failing to analyze all required parameters, failing to analyze for total metals for all relevant parameters (instead measuring only dissolved metals), failing to identify in the Monitoring Implementation Plan the Preserve, failing to collect samples from all discharge points during each sampling event; and, failing to collect the required number of samples during each reporting period. Each day that Butte County has failed to develop and implement an adequate Monitoring Implementation Plan is a separate and distinct violation of the Act and Permit. Butte County has been in violation of the Monitoring Implementation Plan requirements every day since at least November 15, 2014.

7. Butte County Has Failed to Develop and Implement an Adequate Storm Water Pollution Prevention Plan

The General Permit requires dischargers to develop and implement a site-specific SWPPP. 1997 General Permit, Section A.1; 2015 General Permit, Section X.A. The SWPPP must include, among other elements: (1) the facility name and contact information; (2) a site map; (3) a list of industrial materials; (4) a description of potential pollution sources; (5) an assessment of potential pollutant sources; (6) minimum BMPs; (7) advanced BMPs, if applicable; (8) a monitoring implementation plan; (9) annual comprehensive facility compliance evaluation; and (10) the date that the SWPPP was initially prepared and the date of each SWPPP amendment, if applicable. *See id.*

Dischargers must revise their SWPPP whenever necessary and certify and submit via the Regional Board's Storm Water Multiple Application and Report Tracking System ("SMARTS") their SWPPP within 30 days whenever the SWPPP contains significant revisions(s); and, certify and submit via SMARTS for any non-significant revisions not more than once every three (3) months in the reporting year. 2015 General Permit, Section X.B; see also 1997 General permit, Section A.

COL, pursuant to the conservation easement, has an obligation to protect and conserve's investigation indicates that Butte County has been operating with an inadequately developed or implemented SWPPP in violation of General Permit requirements. The Facility's SWPPP contains a site map that lacks all required information; the Facility's pollutant source description and assessment fails to capture all potential pollutants at the Facility; the Facility has failed to implement and maintain minimum and advanced BMPs to reduce or prevent pollutants in industrial storm water discharges, and that failure is reflected in the absence of sufficient BMPs in the SWPPP; and, the SWPPP's monitoring and implementation plan is deficient because it fails to accurately report the Facility's industrial storm water.

Butte County has further failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary, resulting in the Facility's poor storm water management. Each day Butte County failed to develop and implement an adequate SWPPP is a violation of the General Permit. The SWPPP violations described above were at all times in violation of Section A of the 1997 General Permit, and Section X of the 2015 General Permit. Butte County has been in violation of these requirements at the Facility every day since at least November 15, 2014.

III. Persons Responsible for the Violations

COL, pursuant to the conservation easement, has an obligation to protect and conserve puts Butte County on notice that they are the persons and entities responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, COL, pursuant to the conservation easement, has an obligation to protect and conserve puts Butte County on formal notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties

The name, address and telephone number of the noticing party is as follows:

Holly Nielsen, Executive Director
California Open Lands
P.O. Box 4440
Chico, CA 95928
(530) 872-7281

V. Counsel

COL, pursuant to the conservation easement, has an obligation to protect and conserve has retained legal counsel to represent it in this matter. Please direct all communications concerning this letter to:

Andrew L. Packard
William N. Carlon
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245 Kentucky Street, Suite B3
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Telephone: (707) 782-4060
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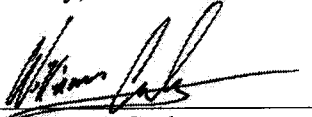
VI. Conclusion

COL, pursuant to the conservation easement, has an obligation to protect and conserve believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. We intend to file a citizen suit under Section 505(a) of the CWA against Butte County and their agents for the above-referenced violations upon the expiration of the 60-day notice period. If you wish to pursue remedies in the absence of litigation, we suggest that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day

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notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,

A handwritten signature in black ink, appearing to read 'William N. Carlon', written over a horizontal line.

William N. Carlon
Law Offices of Andrew L. Packard
Counsel for CALIFORNIA OPEN LANDS

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SERVICE LIST

VIA CERTIFIED MAIL

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William Barr, U.S. Attorney General
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Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board
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Rancho Cordova, CA 95670

ATTACHMENT A
Notice of Intent to File Suit, Butte Creek
Significant Rain Events,* November 15, 2014 – November 15, 2019

11/13/2014	2/1/2016	2/2/2017	4/7/2018
11/20/2014	2/18/2016	2/3/2017	4/17/2018
11/21/2014	2/22/2016	2/6/2017	5/25/2018
11/24/2014	3/4/2016	2/8/2017	5/26/2018
12/1/2014	3/7/2016	2/16/2017	10/4/2018
12/3/2014	3/8/2016	2/17/2017	11/26/2018
12/4/2014	3/11/2016	2/20/2017	11/30/2018
12/5/2014	3/12/2016	2/21/2017	12/6/2018
12/11/2014	3/13/2016	3/5/2017	12/17/2018
12/12/2014	3/14/2016	3/21/2017	1/14/2019
12/15/2014	3/21/2016	3/22/2017	1/16/2019
12/16/2014	3/22/2016	3/23/2017	1/17/2019
12/17/2014	5/2/2016	3/24/2017	1/22/2019
12/18/2014	5/6/2016	3/25/2017	2/4/2019
12/19/2014	5/9/2016	4/17/2017	2/5/2019
12/30/2014	6/18/2016	4/20/2017	2/13/2019
1/16/2015	10/3/2016	5/31/2017	2/14/2019
2/9/2015	10/15/2016	6/8/2017	2/26/2019
3/11/2015	10/16/2016	6/9/2017	2/27/2019
3/23/2015	10/25/2016	10/20/2017	3/4/2019
4/7/2015	10/26/2016	11/6/2017	3/6/2019
4/8/2015	10/28/2016	11/9/2017	3/8/2019
4/24/2015	10/29/2016	11/13/2017	3/11/2019
9/17/2015	10/31/2016	11/16/2017	3/20/2019
10/19/2015	11/1/2016	11/27/2017	3/21/2019
11/2/2015	11/19/2016	1/6/2018	3/25/2019
11/3/2015	11/20/2016	1/9/2018	3/26/2019
11/9/2015	11/21/2016	1/22/2018	3/27/2019
11/10/2015	11/23/2016	1/25/2018	4/2/2019
11/16/2015	11/27/2016	3/1/2018	4/3/2019
12/7/2015	1/4/2017	3/2/2018	4/8/2019
12/10/2015	1/7/2017	3/5/2018	4/24/2019
1/5/2016	1/8/2017	3/8/2018	5/16/2019
1/13/2016	1/9/2017	3/13/2018	5/20/2019
1/14/2016	1/10/2017	3/14/2018	5/23/2019
1/15/2016	1/11/2017	3/15/2018	5/28/2019
1/18/2016	1/12/2017	3/16/2018	5/31/2019
1/19/2016	1/19/2017	3/21/2018	9/30/2019
1/20/2016	1/20/2017	3/22/2018	
1/22/2016	1/23/2017	3/23/2018	
1/25/2016	1/24/2017	4/6/2018	

* Dates gathered from publicly available rain and weather data collected at stations located near the Facility.